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EXAMINER

LE, DANH C

ART UNIT PAPER NUMBER

2683

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,450

Applicant(s)

HUNTER ET AL.

Examiner

DANH C. LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 22-38, 44-49 and 57-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 22-38, 44-49 and 57-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1. Claims 1, 2, 4-10, 12-15, 17, 22-24, 26-30, 32-38, 44, 46, 48, 49, 57-59, 61, 69 are rejected under 35 U.S.C. 102(e) as being anticipated by Arnold (US 6,842,628).**

As to claim 1, Arnold teaches a method for disseminating emergency notification content from an emergency originating source (figure 1), the method comprising:

delivering the emergency notification content (106) in real time from the emergency originating source to at least one transmitting party (103);

selecting a subset of users (120) from among a set of users for dissemination of the emergency notification content based on the subject matter of the emergency notification content; and delivering the emergency notification content from the at least one transmitting party to a device corresponding to each user from the selected subset of users (101).

As to claim 2, Arnold teaches a method of claim 1, further comprising providing filtering instructions in the device for filtering out at least a portion of the emergency notification content for a particular user, wherein the displaying comprises displaying the

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remainder of the emergency notification content other than the portion filtered out to the particular user (col.4, line 62-col.5, line 16).

As to claim 4, Arnold inherently teaches the method of claim 1 (col.7, lines 9-21), further comprising:

storing the emergency notification content at the device;

permitting the user of the device to request specific information from the emergency notification content;

searching the stored emergency notification content for the requested specific information; and

displaying only the requested specific information to the user.

As to claim 5, Arnold teaches the method of claim 1, further comprising receiving location data from a 911 emergency system, the location data identifying a geographic location of an emergency, wherein the delivering of the emergency notification content from the at least one transmitting party comprises directing the emergency notification content regarding the emergency to users in the geographic location (col.5, lines 26-45).

As to claim 6, Arnold teaches the method of claim 5, wherein the emergency notification content is delivered to only those users by cellular or plain old telephony who do not provide a acknowledgement of receiving the emergency notification content by other means (col.1, line 63-col.2, line 2).

As to claim 7, Arnold teaches the method of claim 5, wherein the emergency notification content is delivered to only those users by cellular or plain old telephony

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who are within a predetermined proximity to an emergency for which the emergency notification content is relevant ((col.5, lines 26-45).

As to claim 8, Arnold teaches a method for disseminating emergency notification content from an emergency originating source (figure 2), the method comprising:

delivering the emergency notification content in real time from the emergency originating source to a group of users; and

transmitting a verification from at least one individual user from the group of users (figure 2, 206).

As to claim 9, Arnold teaches the method of claim 8, wherein the verification indicates that the emergency notification content has been received (col.2, line 66-col.3, line 17).

As to claim 10, Arnold teaches the method of claim 8, wherein the verification indicates that the emergency notification content is collaborated (col.2, line 66-col.3, line 17).

As to claim 12, Arnold teaches a method for disseminating emergency notification content from an emergency originating source (figure 2), the method comprising:

delivering the emergency notification content in real time from the emergency originating source to a group of users; and

at least one individual user from the group of users storing the emergency notification content that has been received.

As to claim 13, Arnold teaches the method of claim 12, further comprising displaying the emergency notification content from storage (col.7, lines 9-21).

As to claim 14, Arnold teaches a method for disseminating emergency notification content from an emergency originating source (figure 1), the method comprising:

delivering the emergency notification content in real time from the emergency originating source (106) to at least one transmitting party (103);

providing an emergency knowledge database of a set of users (120);

selecting a subset of users from among the set of users for dissemination of the emergency notification content based on at least one corresponding entry in the database; and

directing the emergency notification content from the at least one transmitting party to a device corresponding to each user from the selected subset of users (101).

As to claim 15, the limitation of the claim is the same limitation of claim 2;

therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 17, the limitation of the claim is the same limitation of claim 4;

therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 22, Arnold teaches a system for disseminating emergency notification content from an emergency originating source (figure 1), the system comprising:

first transmission apparatus for delivering the emergency notification content in real time from the emergency originating source (106) to at least one transmitting party (103);

an apparatus for selecting a subset of users from among a set of users for dissemination of the emergency notification content based on the subject matter of the emergency notification content (120); and

second transmission apparatus for delivering the emergency notification content from the at least one transmitting party (103) to a device corresponding to each user from the selected subset of users (101);

the device having a receiving apparatus for receiving the emergency notification content from the at least one transmitting party and a display operatively connected thereto for displaying the received emergency notification content (col.7, lines 9-21).

As to claim 23, Arnold teaches system of claim 22, wherein the device is located in a fixed location (col.1, line 63-col.2, line 2).

As to claim 24, Arnold teaches the system of claim 22, wherein the device is located in a mobile location (col.1, line 63-col.2, line 2).

As to claim 26, Arnold teaches a system for disseminating emergency notification content from an emergency originating source (figure 2), the system comprising:

a first transmission apparatus for delivering the emergency notification content in real time from the emergency originating source to a group of users; and

a device corresponding to at least one individual user from the group of users for receiving the emergency notification content and transmitting a verification.

As to claim 27, Arnold teaches the method of claim 26, wherein the verification indicates that the emergency notification content has been received (col.2, line 66-col.3, line 17).

As to claim 28, the limitation of the claim is the same limitation of claim 10; therefore, the claim is interpreted and rejected as set forth as claim 10.

As to claim 29, the limitation of the claim is the same limitation of claim 23; therefore, the claim is interpreted and rejected as set forth as claim 23.

As to claim 30, the limitation of the claim is the same limitation of claim 24; therefore, the claim is interpreted and rejected as set forth as claim 24.

As to claim 32, Arnold teaches a system for disseminating emergency notification content from an emergency originating source (figure 2 and col.6, line 53-col.7, line 51), the system comprising:

a transmission apparatus for delivering the emergency notification content in real time from the emergency originating source to a group of users; and

a device corresponding to at least one individual user from the group of users for receiving the emergency notification content, the device having a memory for storing the emergency notification content that has been received.

As to claim 33, Arnold teaches a system of claim 32, wherein the device further comprises a means for displaying the emergency notification content from the memory (col.6, line 53-col.7, line 33).

As to claim 34, the limitation of the claim is the same limitation of claim 23; therefore, the claim is interpreted and rejected as set forth as claim 23.

As to claim 35, the limitation of the claim is the same limitation of claim 24;
therefore, the claim is interpreted and rejected as set forth as claim 24.

As to claim 36, Arnold teaches a system for disseminating emergency notification content from an emergency originating source (figure 1), the system comprising:

first transmission apparatus for delivering the emergency notification content in real time from the emergency originating source (106) to at least one transmitting party (103);

an emergency knowledge database of a set of users operatively connected to the at least one transmitting party (120);

an apparatus for selecting a subset of users from among the set of users for dissemination of the emergency notification content based on at least one corresponding entry in the database; and

second transmission apparatus for directing the emergency notification content from the at least one transmitting party (103) to a device corresponding to each user (101) from the selected subset of users;

the device having a receiving apparatus for receiving the emergency notification content from the at least one transmitting party and a display operatively connected thereto for displaying the received emergency notification content (col.7, lines 9-21).

As to claim 37, the limitation of the claim is the same limitation of claim 23;
therefore, the claim is interpreted and rejected as set forth as claim 23.

As to claim 38, the limitation of the claim is the same limitation of claim 24;
therefore, the claim is interpreted and rejected as set forth as claim 24.

As to claim 44, Arnold teaches a device for displaying emergency notification content to a corresponding user (figure 2), the device comprising:

a receiver for receiving the emergency notification content in real time from a remote location; and

a display for displaying the emergency notification content to the corresponding user; wherein the device is other than a radio or television (col.6, line 53-col.7, line 21).

As to claim 46, Arnold teaches a device of claim 44, wherein the device is selected from a group consisting of a set top box, a computer, a video cassette player, a DVD player, a CD player, a WebTV device, a video game player, a video game controller, a pager, a cellular phone, and a personal digital assistant (figure 1, 101, PDA)

As to claim 48, Arnold teaches a device of claim 44, wherein the display comprises a monitor for displaying a visual reproduction of the emergency notification content (col.6, line 53-col.7, line 21).

As to claim 49, Arnold teaches device of claim 44, wherein the display comprises a speaker for displaying an audio reproduction of the emergency notification content (cellular phone, col.1, line 63-col.2, line 2).

As to claim 57, Arnold teaches a device for displaying emergency notification content to a corresponding user (figure 2 and col.6, line 53-col.7, line 21), the device comprising:

a receiver for receiving the emergency notification content in real time from the remote location; and

a transmission apparatus for transmitting a verification.

As to claim 58, Arnold teaches the device of claim 57, wherein the verification indicates that the emergency notification content has been received (col.2, line 66-col.3, line 17).

As to claim 59, the limitation of the claim is the same limitation of claim 28; therefore, the claim is interpreted and rejected as set forth as claim 28.

As to claim 61, Arnold teaches a device for displacing emergency notification content to a corresponding user (figure 2 and col. 6, line 53-col.7, line 51), the device comprising:

a receiver adapted for receiving the emergency notification content from the remote location; and

a memory for storing the emergency notification content in real time that has been received.

As to claim 63, Arnold inherently teaches a database useful in disseminating emergency notification content, the database (figure 1, 120) comprising:

a first entry listing a plurality of users; and

at least one second entry listing emergency information useful in directing the emergency notification content in real time to a portion of the users, the at least one second entry corresponding to each of the plurality of users in the first entry.

As to claim 69, Arnold teaches a database of claim 63, wherein the wireless telephone number corresponds to a device selected from a group consisting of a pager, a cellular phone, and a personal digital assistant (PDA).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 11, 16, 25, 31, 45, 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold in view of Lemelson (US 6,608,559).

As to claim 3, Arnold teaches a method of claim 1, further comprising transmitting a location of the device from the device directly or indirectly to the at least one transmitting party, wherein the delivering of the emergency notification content from the at least one transmitting party comprises directing the emergency notification content to only those users having a location within a predetermined proximity to an emergency for which the emergency notification content is relevant. Arnold fails to teach transmitting a GPS location. Lemelson teaches transmitting a GPS location (figure 7, 82). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Lemelson into the system of Arnold in order to determine its physical location.

As to claim 11, the limitation of the claim is the same limitation of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 16, the limitation of the claim is the same limitation of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

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As to claim 25, the limitation of the claim is the same limitation of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 31, the limitation of the claim is the same limitation of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 45, the limitation of the claim is the same limitation of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 60, the limitation of the claim is the same limitation of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

3. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold in view of Chong (US 2003/0036412).

As to claim 47, Arnold teaches a device of claim 44 which displays emergency notification content, Arnold further fails to teach comprising means for automatically turning on the device to display the content when the device is determined to be off. Chong teaches means for automatically turning on the device to display the content when the device is determined to be off (paragraph 0030). Lemelson teaches transmitting a GPS location (figure 7, 82). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Chong into the system of Arnold in order to display the emergency notification content to the user.

4. Claims 64-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold.

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As to claims 64-68, Arnold teaches the database of claim 63, Arnold teaches the at least one second entry comprises a listing of an address for each of the plurality of users in the first entry, a third entry listing a geographical area corresponding to each of the users in the first entry, a third entry of a known skill corresponding to at least one of the plurality of users in the first entry, a third entry of a telephone number

corresponding to each of the users in the first entry and a third entry of a wireless telephone number corresponding to at least one of the plurality of users in the first entry. However, the examiner take Official Notice that these reciting limitations are known in the art. Lemelson teaches transmitting a GPS location (figure 7, 82). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of these reciting limitation into the system of Arnold in order to enhance the system performance of the event notification for wireless PDA devices.

Response to Arguments

Applicant's arguments filed 8/17/05 have been fully considered but they are not persuasive.

As to paragraph 2 page 15 of the Applicant's remarks, the applicant's argue that Arnold fails to teach delivering the emergency notification content **in real time** from the emergency originating source to the at least one transmitting party.

In response, the examiner did not agree, on col.4, line 62-col.5, line 15, Arnold teaches a real time by considering a situation where a service provider offers an earthquake alert service, which notifies the subscribers of the arrival of an earthquake

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giving them a few precious seconds in which they can act before the earthquake hits, a person subscribed to the notification service of the present invention and attending a meeting may choose to ignore "regular" notifications but will want to view this emergency alert. System 100 provides the mechanism for authenticating and authorizing the content service provider to issue these emergency alerts. In addition the system also send emergency notifications to other wireless PDA devices or a group of users via the emergency Notification service provider (col.4, line62-col.5, line 16 and col.5, lines 34-38).

Claims 8, 12, 22, 26, 32, 36, 44, 57, 61, 63 and their dependent claims are also rejected for the same reason.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

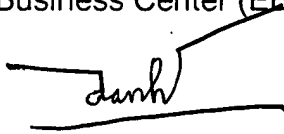
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "danh", is written over a horizontal line.

November 1, 2005.

DANH CONG LE
PATENT EXAMINER